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NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION THREE

THE PEOPLE, Plaintiff and Respondent, v. REYCHARD SNYDER, Defendant and Appellant.	B265391 (Los Angeles County Super. Ct. No. MA061329)

APPEAL from a judgment of the Superior Court of Los Angeles County, Charles A. Chung, Judge. Affirmed.

Pamela J. Voich, under appointment by the Court of Appeal, for Defendant and Appellant.

Kamala D. Harris, Attorney General, Gerald A. Engler, Chief Assistant Attorney General, Lance E. Winters, Assistant Attorney General, Michael R. Johnsen and Paul S. Thies, Deputy Attorneys General, for Plaintiff and Respondent.

Defendant and appellant Reychard Snyder appeals his convictions for first degree burglary and petty theft.[1] The trial court sentenced him to 35 years to life in prison pursuant to the "Three Strikes" law. Snyder contends there was insufficient evidence to support the convictions, and the trial court abused its discretion by denying his *Romero* motion.[2] We affirm the judgment.

FACTUAL AND PROCEDURAL BACKGROUND

1. *Facts*

a. *The petty theft*

Snyder and Chastity Nunn have a son together. Nunn and her uncle, Shaquille Ivory, lived at a house on Mentor Court in Palmdale. Snyder often visited the house.

On October 30, 2013, at approximately 3:00 p.m., 14-year-old Jordyn V. was sitting on a brick wall near 27th Street East in Palmdale, texting a friend on her iPhone 4. Snyder rode up on a red mountain bike and asked to borrow her phone to call his "baby mama." Jordyn, who felt "nervous and kind of shocked," did not respond. Snyder "pulled out" a pocket knife, which frightened Jordyn and caused her to loosen her grip on the phone. Snyder took the phone from Jordyn's hand and rode away. Using another device's "find my iPhone" feature, Jordyn tracked her iPhone's location to the Mentor Court residence. She notified the sheriff's department and accompanied deputies to the house.

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[1] Although Snyder purports to appeal his conviction for providing false information to a police officer, he does not advance any argument demonstrating reversible error regarding this offense.

[2] *People v. Superior Court (Romero)* (1996) 13 Cal.4th 497.

The deputies entered the Mentor Court house and found Nunn and Ivory inside. Jordyn saw the deputies bring the thief's red bicycle and her iPhone out of the house. Deputies also brought Ivory outside, and Jordyn stated that he definitely was the culprit. She "thought it was the person," but then "wasn't sure," but then positively identified Ivory after deputies showed her the red bicycle. Ivory was arrested and held in jail.

Detective Michael Baker later showed Jordyn two six-pack photographic lineups. In the first one, she identified Ivory as the thief. The second six pack included a photograph of Snyder, but Jordyn did not identify him. At trial, Jordyn identified Snyder as the thief.

Jordyn told the deputies that the assailant had worn a dark beanie. At the preliminary hearing and at trial she stated that the perpetrator had worn a hoodie. The parties stipulated that when deputies searched the Mentor Court residence, they found a dark beanie in Ivory's bedroom. Snyder had a "rather prominent growth" on his ear, but Jordyn had not noticed this feature during the theft.[3] Jordyn did, however, notice a scar on the perpetrator's cheek. No evidence was presented that either Snyder or Ivory had such a scar.

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[3] Jordyn's trial testimony was inconsistent with her earlier statements or testimony in at least three other respects. She told deputies and testified at the preliminary hearing that Snyder got off the bike during the incident, but stated at trial that he stayed on the bike during the theft. She told deputies and testified at the preliminary hearing that Snyder was silent during the theft, in contrast to her trial testimony that Snyder asked to borrow her phone. She testified at the preliminary hearing that Snyder pointed the knife toward her chest, but told the prosecutor that Snyder did not point the knife at her.

Ivory spoke to several deputies while in custody. He initially told Deputy Schmoker that he did not know anything about the iPhone. After Schmoker or another deputy stated that the phone would be checked for fingerprints, Ivory told Deputy Scott Sorrow and Detective Baker, in separate conversations, that Snyder had come into the house holding the phone and stated he had stolen or gotten it from a girl.

Nunn initially told deputies that she had purchased the phone from an unknown person for $50. After Ivory was arrested, she told Detective Baker that Snyder had come to the house with a cell phone. Snyder said he had asked a girl if he could borrow the phone and, when she handed it to him, he took it from her. Shortly after Snyder's arrival at the house, Ivory alerted Snyder and Nunn that the police were outside. Nunn answered the door, and when she returned to the room, Snyder was gone.

At trial, Nunn admitted Snyder was at the Mentor Court house on October 30, 2013. She denied telling Detective Baker that she had purchased the iPhone, that Snyder had arrived at the house five minutes before the deputies did, that Snyder brought the iPhone to the house, or that he stated he had taken it from a girl. She did not know whom the iPhone belonged to or how it came to be in her house. She admittedly told Snyder he needed to turn himself in, but did so only because a detective told her to.

Ivory testified at trial that on October 30, 2013, he, Snyder, and Nunn were at the Mentor Court house. Snyder "show[ed] up with the phone." When Ivory saw the police at the door, he notified Nunn and Snyder. At some point after that, Snyder "was gone," apparently exiting the house through the back door. Ivory

denied stealing the phone or bringing it into the house. He did not think Nunn brought it into the house either; she had been inside the house with him that morning and afternoon. Ivory admitted telling a detective that Snyder had taken the phone, but denied stating that Snyder said he had gotten it from a girl.

b. *The burglary*

Slightly more than a year later, on the morning of November 4, 2014, Richard Boling left his Palmdale house on Robin Lane for work at approximately 6:00 a.m. The doors and windows were locked and no one was inside the house. Later that morning Boling's security company notified Boling and the sheriff's department that an alarm had been triggered at the house, indicating someone had entered.

Deputy Sheriff Efrain Godoy responded to the Robin Lane residence at 8:03 a.m., within two to three minutes of being notified of the alarm. Godoy, who was wearing a uniform and driving a marked patrol vehicle, observed a car stopped on the street in front of Boling's house. Snyder was seated in the driver's seat. Snyder had his head out the car window and was looking at Boling's house. Then he looked forward and backward. Upon seeing Godoy, Snyder drove around the corner into a cul-de-sac and pulled into a driveway approximately 300 feet from Boling's house. Godoy followed and pulled in behind Snyder. Godoy testified that Snyder exited his car, raised his hands in the air, and said, " 'I ain't got nothing. I didn't do nothing.' " Godoy asked whether Snyder lived in the house. Snyder said he did, but then changed his answer and said his friend lived there. Godoy asked for the friend's name. Snyder said his friend no longer lived there.

While speaking to Deputy Godoy, Snyder kept glancing back toward Boling's house. When Godoy looked toward Boling's house he saw the garage door opening. A male juvenile, later identified as Daveyon M., ducked from underneath the opening door, carrying a briefcase. It appeared Daveyon was going to walk straight to where Snyder's car had originally been stopped. Daveyon looked around, looked toward Godoy, and then ran. Godoy detained Snyder.

Boling returned home from work to find a window on the side of his house was broken and his briefcase was missing from his upstairs office.

Deputies located Daveyon approximately two hours later, less than five miles from Boling's house. He directed a deputy to the location where he had dropped the briefcase, and deputies recovered it there.

Detective Julia Vezina spoke to Snyder while he was seated in the patrol car at the scene. Snyder gave a false name. Snyder stated he had visited Food 4 Less by himself to purchase baby formula for his infant, and then left to go to another house to purchase marijuana.

Detectives Vezina and Arnold then interviewed Snyder at the sheriff's station. The interview was recorded and played for the jury. Snyder at first denied participating in the burglary. Using a ruse, Vezina told Snyder that he had been seen leaving the store with the burglar. Eventually Snyder admitted that he saw "DayDay" walking near the Food 4 Less. They went to the grocery store together, bought some things for Snyder's girlfriend, and then DayDay directed Snyder to the house. It was "DayDay's" idea to go in the house. When Vezina asked, "did you guys pick that house in the morning, or had . . . he seen it before,

and said . . . hey, I know the house, this is the house?" Snyder replied, "Yeah, he just said like should I just take him right there real quick, and then I could just drop him back off, drop him back off at home." Vezina then stated: "So he got you caught up." Snyder replied, "sorta" and "I made the choice, fuck. Felt stupid [¶] . . . [¶] . . . stupid, but its like what it felt like, man, a man can't get no job, but he gotta eat, regardless." Snyder denied taking "DayDay" to any other houses but admitted he "knew that he did that" because he had "talked about it before." Snyder did not hear the alarm going off and did not hear DayDay break the glass. Snyder was "supposed to wait for him [DayDay] there."

2. *Procedure*

Trial was by jury. Snyder was convicted of first degree burglary (Pen. Code, § 459),[4] giving false information to a police officer (§ 148.9, subd. (a)), and petty theft (§ 484, subd. (a)).[5] Snyder admitted suffering two prior "strike" convictions for burglary, a serious felony (§§ 459, 667, subds. (a)(1), (b)-(j), 1170.12, subds. (a)-(d)). The trial court sentenced Snyder to 35 years to life in prison, consisting of 25 years to life on the burglary conviction, plus two 5-year serious felony enhancements (§ 667, subd. (a)(1).) It ordered 180-day jail sentences on the petty theft and false information convictions to run concurrently

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[4] All further undesignated statutory references are to the Penal Code.

[5] Snyder was additionally charged with shoplifting from a Stater Brothers market. At the close of the People's case, the trial court granted Snyder's section 1118.1 motion to dismiss the charge because the People failed to establish the corpus delicti of the crime independent of Snyder's extrajudicial statements.

with the term on the burglary. It imposed a $10,000 restitution fine, a suspended parole revocation fine in the same amount, a court operations assessment, a criminal conviction assessment, a crime prevention fee, and related penalties and assessments. Snyder appeals.

DISCUSSION

1. *Sufficiency of the evidence*

Snyder argues the evidence was insufficient to support the burglary and petty theft convictions. We disagree.

a. *Standard of review*

When determining whether the evidence was sufficient to sustain a criminal conviction, " ' "we review the entire record in the light most favorable to the judgment to determine whether it contains substantial evidence—that is, evidence that is reasonable, credible, and of solid value—from which a reasonable trier of fact could find the defendant guilty beyond a reasonable doubt." [Citation.]' " (*People v. McCurdy* (2014) 59 Cal.4th 1063, 1104; *People v. Johnson* (2015) 60 Cal.4th 966, 988.) We presume in support of the judgment the existence of every fact the trier of fact could reasonably deduce from the evidence. (*People v. Medina* (2009) 46 Cal.4th 913, 919.) Reversal is not warranted unless it appears " 'that upon no hypothesis whatever is there sufficient substantial evidence to support [the conviction].' [Citation.]" (*People v. Bolin* (1998) 18 Cal.4th 297, 331; *People v. Zamudio* (2008) 43 Cal.4th 327, 357.) The same standard of review applies to cases in which the prosecution relies primarily on circumstantial evidence. (*People v. Brown* (2014) 59 Cal.4th 86, 106.) We must accept logical inferences the jury might have drawn from the evidence even if we would have concluded otherwise. (*People v. Solomon* (2010) 49 Cal.4th 792, 811-812.)

b. *Sufficient evidence supported the petty theft conviction*

The elements of theft are that the defendant took possession of personal property owned by someone else, without the owner's consent, with the intent to deprive the owner of it permanently; moved the property even a small distance; and kept it for a period of time, however brief. (§ 484, subd. (a); *People v. Lawson* (2013) 215 Cal.App.4th 108, 113-114; *People v. Catley* (2007) 148 Cal.App.4th 500, 505; CALCRIM No. 1800.) There is no dispute these elements were met here: the thief took Jordyn's iPhone, without her consent, moved it to the Mentor Court house, and kept it there. The intent to permanently deprive may readily be inferred from the circumstances.

Snyder argues, however, that there was insufficient evidence to prove he was the thief. He points out that Jordyn identified Ivory as the culprit at the scene and in a photographic lineup; she failed to identify Snyder in a photographic lineup in which his photo was included; she did not notice a prominent growth on the thief's ear, and Snyder has such a growth; she stated the thief had a scar on his cheek, but there was no evidence Snyder had such a scar; a dark beanie was found in Ivory's bedroom, and Jordyn told deputies the thief wore a dark beanie; the red bicycle and the stolen phone were found at the Mentor Court residence, where Ivory lived; Ivory and Nunn did not tell police Snyder was the thief until after Ivory was arrested, suggesting they lied to deflect blame from Ivory; and at trial Nunn and Ivory denied making some of the statements implicating Snyder. Jordyn did not identify Snyder as the thief until he was apprehended over a year after the crime, and the prosecutor or police likely influenced her to change her story.

Snyder is correct that the evidence identifying him as the thief was in conflict. But the contradictions in the evidence merely presented the jury with a credibility determination that is not reviewable on appeal. (*People v. Mejia* (2007) 155 Cal.App.4th 86, 99.) The testimony of a single witness, unless physically impossible or inherently improbable, is sufficient to establish a fact and support a conviction. (Evid. Code, § 411; *People v. Young* (2005) 34 Cal.4th 1149, 1181; *People v. Hampton* (1999) 73 Cal.App.4th 710, 722.) Ivory and Nunn told deputies that Snyder arrived at the Mentor Court house with the iPhone and stated he had stolen it from a girl. Ivory admittedly told Detective Baker that Snyder was the one who took the phone. Ivory denied stealing the phone and testified that Nunn could not have done so, since she was at the house with him that morning and afternoon. Upon learning police were at the door, Snyder fled through a back door, suggesting consciousness of guilt. This evidence supported the conclusion that Snyder, not Ivory, was the thief. This scenario was not impossible or inherently improbable.

Moreover, Jordyn identified Snyder as the thief at trial. "In the instant case, 'there is in the record the inescapable fact of in-court eyewitness identification. That alone is sufficient to sustain the conviction.' [Citation.]" (*In re Gustavo M.* (1989) 214 Cal.App.3d 1485, 1497.) That Jordyn originally identified Ivory did not preclude the jury from concluding Snyder was actually the thief. " 'Apropos the question of identity, to entitle a reviewing court to set aside a jury's finding of guilt the evidence of identity must be so weak as to constitute practically no evidence at all.' [Citations.]" (*People v. Mohamed* (2011) 201 Cal.App.4th 515, 521.) That Jordyn's initial identifications were erroneous does not mean her trial testimony was "no

evidence at all," especially given Nunn's and Ivory's statements supporting the conclusion her identification of Snyder was accurate. " 'The strength or weakness of the identification [and] the incompatibility of and discrepancies in the testimony' " go to the weight of the evidence and the credibility of the witnesses, and are questions for the jury. (*Id.* at p. 522.)

Although Snyder had a distinctive growth on his ear at the time of trial, trial commenced over a year and a half after the theft; there was no showing the growth was present in October 2013. Though a dark beanie was found in Ivory's bedroom, at the preliminary hearing and at trial Jordyn testified the thief wore a hoodie, not a beanie. " ' " 'Conflicts and even testimony which is subject to justifiable suspicion do not justify the reversal of a judgment, for it is the exclusive province of the trial judge or jury to determine the credibility of a witness and the truth or falsity of the facts upon which a determination depends.' " ' " (*People v. Jackson* (2014) 58 Cal.4th 724, 749; *People v. Cortes* (1999) 71 Cal.App.4th 62, 81 [where an appellant "merely reargues the evidence in a way more appropriate for trial than for appeal," we are bound by the trier of fact's determination].)

c. *Sufficient evidence supported the burglary conviction*

Snyder's contention that the evidence was insufficient to support his burglary conviction fares no better. Burglary is the entry into any building with the intent to commit grand or petty larceny or any felony. (§ 459; e.g., *Magness v. Superior Court* (2012) 54 Cal.4th 270, 273; *People v. Prince* (2007) 40 Cal.4th 1179, 1255; *People v. Smith* (2006) 142 Cal.App.4th 923, 929.) There is no dispute Daveyon committed burglary; he entered Boling's home through a window he broke and took Boling's briefcase.

Snyder was tried as an aider and abettor to the burglary. A person who aids and abets the commission of a crime is a principal in the crime. (§ 31; *People v. Smith* (2014) 60 Cal.4th 603, 611.) A person aids and abets when he or she, (i) with knowledge of the unlawful purpose of the perpetrator, (ii) with the intent or purpose of committing, facilitating or encouraging commission of the crime, (iii) by act or advice, aids, promotes, encourages or instigates its commission. (*People v. Smith*, at p. 611; *People v. Delgado* (2013) 56 Cal.4th 480, 486.) Among the factors that may be taken into account are presence at the crime scene, companionship, and conduct before and after the offense. (*In re Juan G.* (2003) 112 Cal.App.4th 1, 5; *People v. Battle* (2011) 198 Cal.App.4th 50, 84.) "The 'act' required for aiding and abetting liability need not be a substantial factor in the offense. ' "Liability attaches to anyone 'concerned,' however slight such concern may be, for the law establishes no degree of the concern required to fix liability as a principal." [Citation.]' [Citation.]" (*People v. Swanson-Birabent* (2003) 114 Cal.App.4th 733, 743.) Thus, lookouts, getaway drivers, and persons present to divert suspicion are principals in the crime. (*Id*. at pp. 743-744.) " 'Whether defendant aided and abetted the crime is a question of fact, and on appeal all conflicts in the evidence and reasonable inferences must be resolved in favor of the judgment.' [Citation.]" (*People v. Campbell* (1994) 25 Cal.App.4th 402, 409; *In re Juan G.*, at p. 5.)

Here, both direct and circumstantial evidence supported the jury's finding that Snyder was an aider and abettor. Snyder was discovered stopped outside the Boling residence, while Daveyon was inside burglarizing it. It was undisputed Daveyon broke a side window and entered the house through it. The jury

could infer Snyder knew Daveyon did not enter through the front door with permission, as would be expected if Daveyon was visiting the house for innocent purposes. While waiting for Daveyon, Snyder was looking around, with his head out the window. When Snyder saw Deputy Godoy he fled and then gave Godoy a series of dishonest excuses for his presence, indicating consciousness of guilt. While speaking to Godoy he kept glancing back at Boling's house. Had he believed Daveyon was inside for legitimate purposes, there would have been little reason for this behavior. Daveyon appeared to look for Snyder's vehicle when he emerged from the garage, indicating he expected Snyder to be waiting for him. These facts strongly suggested Snyder was knowingly acting as Daveyon's lookout and getaway driver.

Contrary to Snyder's argument, there was direct evidence he knew of Daveyon's purpose and intended to assist in the burglary. When interviewed by Detectives Vezina and Arnold, Snyder implicitly, if not explicitly, admitted acting as an aider and abettor to the burglary. He agreed it was Daveyon's idea to go in the house. He admitted knowing Daveyon had a history of committing burglaries. When Vezina asked whether Daveyon and Snyder had preselected the house, Snyder replied that Daveyon had told him to "take him right there real quick" and then drop him back at home. He admitted he was supposed to wait for Daveyon. When asked, "So he got you caught up," Snyder replied that he "made the choice, fuck. Felt stupid" but "a man can't get no job, but he gotta eat, regardless." This statement suggested Snyder knew Daveyon was committing the burglary and Snyder had agreed to act as the getaway driver because he, Snyder, needed money. The jury could reasonably

infer from these statements that Snyder knowingly agreed to assist in the burglary for financial gain.

Snyder argues that the evidence showed, at most, that he happened to run into Daveyon, whom he barely knew, in the grocery store and agreed to give him a ride. He insists that several pieces of evidence support this hypothesis. A November 4, 2014 Food 4 Less receipt for eggs, juice, and Pillsbury Grands muffins, time stamped 7:36 a.m., was found in his possession. He urges that he would not have purchased perishable items immediately beforehand if he intended to participate in a burglary. But the Food 4 Less purchases were not necessarily inconsistent with an intent to aid and abet the burglary; Snyder's statements to Detective Vezina indicated both he and Daveyon anticipated the burglary would be quick.

Snyder also argues that there was no evidence he was in Daveyon's company before he coincidentally ran into him at the grocery store. There were no text messages on Snyder's cellular telephone indicating communications between the two, and no text message from Snyder warning that the police had arrived on the scene as would be expected if he was serving as a lookout. But neither of these circumstances undercuts the sufficiency of the evidence. Snyder might not have had time to text when Deputy Godoy arrived, or might not have wanted to have an incriminating message on his phone. That the burglary may have been planned on the spur of the moment after a coincidental encounter does not demonstrate insufficiency. "[A]dvance knowledge is *not* a prerequisite for liability as an aider and abettor. 'Aiding and abetting may be committed "on the spur of the moment," that is, as instantaneously as the criminal act itself. [Citation.]' [Citation.]" (*People v. Swanson-Birabent,*

supra, 114 Cal.App.4th at p. 742.) Here, the evidence demonstrated Snyder formed the intent prior to driving Daveyon to Boling's house. Whether he and Daveyon planned this activity minutes before carrying it out is immaterial.

Snyder further urges that his action of driving away from Deputy Godoy was attributable to the fact he had an outstanding warrant and was en route to purchase marijuana. But, as with the foregoing contentions, the evidentiary significance of these facts was a question for the jury. "In deciding the sufficiency of the evidence, a reviewing court resolves neither credibility issues nor evidentiary conflicts. [Citation.] Resolution of conflicts and inconsistencies in the testimony is the exclusive province of the trier of fact." (*People v. Young*, *supra*, 34 Cal.4th at p. 1181.) In sum, the evidence was sufficient to establish that Snyder not only knew about and intended to facilitate the burglary, but took active steps to aid in its commission.

2. *The trial court did not abuse its discretion by denying Snyder's* Romero *motion*

a. *Additional facts*

Prior to sentencing Snyder filed a *Romero* motion requesting that the trial court strike one or two of his prior serious felony convictions for burglary. He argued that the two prior burglaries occurred within days of each other in 2011, during a single period of aberrant behavior; none of his current or past offenses involved violence or the use of a weapon; other than his two strikes and two prior juvenile adjudications, he had no criminal history; his criminal behavior had de-escalated in seriousness because he had gone from acting as a principal to an aider and abettor; the current offenses were not serious; he had remained "free of law enforcement contact until his arrest and

conviction in the instant matter in November 2014"; and the sentence imposed was unjust.

The trial court denied the *Romero* motion. It reasoned: "I considered the facts of the prior case. I recognize that he was an aider and abettor in one of the [prior] cases. The other one he was linked to the burglary by way of a latent print. [¶] I recognize that those all occurred within a very short period of time. [¶] I also recognize that his strike convictions, again, are from that same course of conduct. However, I ultimately note the following: [¶] He did pick up both of those strikes within the last 4 to 5 years. On the current case, ultimately the People did not proceed on a robbery count but there was testimony indicating that a knife may have been used against Jordyn. . . . She acknowledged that during the preliminary hearing she testified to the fact that there was a knife. That the knife was held out in front of her and that it was pointed toward her chest. [¶] I also note that there was a burglary of the first degree that occurred in this situation. [¶] And so just as much as it pains me . . . due to the recency of the strikes, due to the fact that they were multiple strikes, due to the fact that they did involve very serious conduct in the current case, I find he falls within the spirit of the Three Strikes law and I decline to exercise my discretion. I will not strike the strikes."

b. *Discussion*

Snyder contends the trial court abused its discretion by denying his *Romero* motion. We disagree.

In the furtherance of justice, a trial court may strike or dismiss a prior conviction allegation. (§ 1385, subd. (a); *People v. Superior Court (Romero), supra*, 13 Cal.4th at p. 504.) A trial court's ruling is reviewed under the deferential abuse of

discretion standard. (*People v. Carmony* (2004) 33 Cal.4th 367, 375.) The party seeking reversal must " 'clearly show that the sentencing decision was irrational or arbitrary. [Citation.]' " (*People v. Superior Court (Alvarez)* (1997) 14 Cal.4th 968, 977.) It is not enough to show that reasonable people might disagree about whether to strike a prior conviction. (*Carmony*, at p. 378.) Only extraordinary circumstances justify a finding that a career criminal is outside the Three Strikes law. (*Ibid.*) Therefore, "the circumstances where no reasonable people could disagree that the criminal falls outside the spirit of the three strikes scheme must be even more extraordinary." (*Ibid.*)

When considering whether to strike prior conviction allegations, the relevant factors a court must consider are "whether, in light of the nature and circumstances of his present felonies and prior serious and/or violent felony convictions, and the particulars of his background, character, and prospects, the defendant may be deemed outside the scheme's spirit, in whole or in part, and hence should be treated as though he had not previously been convicted of one or more serious and/or violent felonies." (*People v. Williams* (1998) 17 Cal.4th 148, 161.) The Three Strikes law "not only establishes a sentencing norm, it carefully circumscribes the trial court's power to depart from this norm . . . . [T]he law creates a strong presumption that any sentence that conforms to these sentencing norms is both rational and proper." (*People v. Carmony, supra*, 33 Cal.4th at p. 378.) We presume the trial court considered all the relevant factors in the absence of an affirmative record to the contrary. (*People v. Myers* (1999) 69 Cal.App.4th 305, 310.)

The record before us reveals no basis for concluding that, as a matter of law, Snyder falls outside the spirit of the Three

Strikes law. Snyder's significant criminal history began when he was a juvenile and has continued into adulthood. In 2004 he suffered a sustained juvenile petition for theft. In 2010, another juvenile petition was sustained for burglary and theft. Snyder was placed home on probation in both cases. In 2011 he was convicted of a burglary that transpired on August 25, 2011. He was subsequently convicted of another burglary that occurred on August 18, 2011. On May 14, 2012 he was sentenced to a two-year prison term in a disposition that apparently resolved both burglaries. According to his *Romero* motion, he was released in mid-2012. He committed the theft of Jordyn's phone on October 30, 2013, and the Boling burglary on November 4, 2014. At the time of the Boling burglary he was a parolee-at-large. None of the prior offenses were remote in time. All involved theft or burglary, demonstrating that Snyder is unable or unwilling to follow the law and cease his criminal behavior. In short, despite his relatively young age, Snyder's criminal history demonstrates he is "the kind of revolving-door career criminal for whom the Three Strikes law was devised." (*People v. Gaston* (1999) 74 Cal.App.4th 310, 320; *People v. Pearson* (2008) 165 Cal.App.4th 740, 749.)

Snyder's arguments, advanced below and on appeal, do not persuade us any abuse of discretion occurred. That Snyder's prior crimes were not violent and did not involve use of a weapon is not dispositive. The fact a majority of Snyder's offenses were nonviolent "cannot, in and of itself, take him outside the spirit of the Three Strikes law when the defendant is a career criminal with a long and continuous criminal history." (*People v. Strong* (2001) 87 Cal.App.4th 328, 345.) And, in any event, the evidence

showed he used a knife in the theft offense, at least displaying it to Jordyn to facilitate the theft of her iPhone.

Contrary to Snyder's characterization, the two 2011 burglaries cannot fairly be described as a "single course of criminal conduct." They involved different victims and were carried out on different days. Given the prior juvenile adjudications for theft and burglary, and the current crimes of theft and burglary, it is inaccurate to characterize the prior strikes as attributable to a single period of aberrant behavior. That Snyder apparently served a single sentence for both 2011 burglaries pursuant to a plea negotiation does not alter this conclusion. We do not view the fact that he acted as an aider and abettor in the current crime as an indication his conduct is deescalating. The current offenses were serious. Stealing from the person of a young teen by displaying a knife is not an insignificant crime. Burglary carries a high risk of violence should the intruder and the property owner happen upon each other. " ' " 'Burglary laws are based primarily upon a recognition of the dangers to personal safety created by the usual burglary situation—the danger that the intruder will harm the occupants in attempting to perpetrate the intended crime or to escape and the danger that the occupants will in anger or panic react violently to the invasion, thereby inviting more violence.' " ' " (*Magness v. Superior Court, supra,* 54 Cal.4th at p. 275.)

Snyder argues his involvement in the August 18, 2011 burglary was "questionable," because the only evidence connecting him to the crime was a latent fingerprint. But the fact remains that Snyder pleaded guilty to the charge, and the trial court was not obliged to assume Snyder did not really commit it. He also avers that the "record does not reflect he was

ever told at the combined sentenc[ing] hearing that this negotiated sentence would result in two strikes on his record." But even assuming arguendo this assertion is accurate, Snyder fails to explain how it has legal relevance to the *Romero* motion.

Snyder faults the trial court for failing to consider factors other than his criminal history. However, Snyder failed to present the trial court with any additional information regarding favorable aspects of his background, character, or prospects. (See *People v. Williams, supra,* 17 Cal.4th at p. 161.) In light of this failure, he cannot complain that the court relied primarily on his criminal record and the facts of the current and prior crimes. (*People v. Lee* (2008) 161 Cal.App.4th 124, 128-129.)

Snyder contends that his age, 23 at the time of sentencing, is a mitigating circumstance, and the trial court could have stricken one of the priors and still imposed a lengthy sentence. Further, he complains that he received a mere two-year consolidated sentence for the two prior burglaries, but "just 3 years later" has received a Three Strikes life sentence for another burglary. But the function of the Three Strikes law is to punish recidivists. Neither Snyder's age nor the fact a more lenient sentence might have been imposed demonstrate an abuse of discretion. The authorities Snyder cites do not stand for the proposition that if a prior may be stricken and a lengthy sentence imposed nonetheless, the trial court is required to grant the *Romero* motion.

The trial court's comments at the hearing indicate it thoughtfully considered the relevant factors. "Where the record demonstrates that the trial court balanced the relevant facts and reached an impartial decision in conformity with the spirit of the law, we shall affirm the trial court's ruling . . . ." (*People v.*

Myers, *supra*, 69 Cal.App.4th at p. 310; *People v. Cole* (2001) 88 Cal.App.4th 850, 874.) Such is the case here.

DISPOSITION

The judgment is affirmed.

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

ALDRICH, J.

We concur:

EDMON, P. J.

STRATTON, J.*

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* Judge of the Los Angeles Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.